

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**Commander KENNETH J. WHITWELL,
U.S. Navy,**

Plaintiff,

V.

ARCHMERE ACADEMY, INC., a Delaware corporation; CATHOLIC DIOCESE OF WILMINGTON, INC., a Delaware corporation; Rev. EDWARD SMITH, individually and in his official capacity; and Rev. MICHAEL A. SALTARELLI, in his official capacity,

Defendants.

C.A.No.05-796-SLR

NOTICE OF APPEAL

Notice is hereby given that Commander Kenneth J. Whitwell, plaintiff in the above captioned case, hereby appeals to the United States Court of Appeals for the Third Circuit from the following opinions and orders entered in this action.

1. From the District Court’s written opinion (D.I. 21) and Order (D.I. 22), each dated November 30, 2006, which granted defendants Archmere Academy, Inc.’s, Catholic Diocese of Wilmington’s, and Rev. Michael A. Saltarelli’s motions to dismiss the allegations against them as time-barred.

2. Judgment in this case on all other remaining claims was entered on April 12, 2007.
(D.I. 55).

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Dated: May 10, 2007

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CERTIFICATE OF SERVICE

I, Thomas S. Neuberger, being a member of the bar of this Court do hereby certify that on May 10, 2007, I electronically filed this **Pleading** with the Clerk of the Court using CM/ECF. I have sent a copy of this Pleading via email to the following:

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